

REMARKS/ARGUMENTS

Claims 1 and 12-17 have been amended and claim 8 has been cancelled. No new matter has been added.

The Office Action mailed July 12, 2005, has been received and reviewed. Claims 1-21 are currently pending in the application. Claims 1-7 and 9-21 stand rejected. Claim 8 is objected to. Applicant has amended claims 1 and 12-17, cancelled claim 8, and respectfully requests reconsideration of the application as amended herein.

35 U.S.C. § 102 Anticipation Rejections

Anticipation Rejection Based on Tosaka et al.

Claims 1, 3, 4, 9-12, 14, 16-18, 20 and 21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Tosaka et al. (Pub. No. U.S. 2002/0058193). Applicant respectfully traverses the rejection as to the remaining claims, as hereinafter set forth.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Independent claims 1, 12, and 17 have been amended to require an image output terminal having a first setting to deliver a partial amount of color toners to a target media and to increase the speed of a fuser roller in an electrophotographic image-forming device. As acknowledged by the Examiner, a first set of image output terminal settings that increase the speed of a fuser roller in an electrophotographic image forming device is not found or taught by Tosaka et al. when considered alone or in combination. As such, independent claims 1, 12, and 17 (and all pending claims depending therefrom) are believed to be allowable over the prior art of record. In view of the foregoing, Applicant respectfully requests reconsideration and withdrawal of the present rejection.

35 U.S.C. § 103(a) Obviousness Rejections

Obviousness Rejection Based on Tosaka et al.

Claim 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Tosaka et al. Applicant respectfully traverses this rejection, as hereinafter set forth.

M.P.E.P. 706.02(j) sets forth the standard for an obviousness rejection:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

As previously discussed, Tosaka et al. does not teach or suggest an image output terminal having a first setting to deliver a partial amount of color toners to a target media and to increase the speed of a fuser roller in an electrophotographic image-forming device, as required by claim 15 (via dependency from amended claim 12, as described above). In view of the foregoing, Applicant respectfully requests reconsideration and withdrawal of the present rejection.

Obviousness Rejection Based on Tosaka et al. in view of Caruthers, Jr. et al.

Claims 2, 5-7, 13, and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tosaka et al. in view of Caruthers, Jr. et al. (6,002,893). Applicant respectfully traverses this rejection, as hereinafter set forth.

Tosaka et al. in combination with Caruthers, Jr. et al. does not teach or suggest an image output terminal having a first setting to deliver a partial amount of color toners to a target media and to increase the speed of a fuser roller in an electrophotographic image-forming device, as required by claims 2, 5-7, 13, and 19 (via dependency from amended independent claims 1, 12, and 17, as described above). In view of the foregoing, Applicant respectfully requests reconsideration and withdrawal of the present rejection.

ENTRY OF AMENDMENTS

The amendments to claims 1 and 12-17 above should be entered by the Examiner because the amendments are supported by the as-filed specification and drawings and do not add new matter to the application.

CONCLUSION

Claims 1-7 and 9-21 are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, he is respectfully invited to contact Applicant's undersigned attorney.

Respectfully submitted,



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